

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kathryn E. Leclerc,

Plaintiff,

v.

Zimmer, Inc.,

Defendant.

Case No.: 04-CV-1660 JRT/FLN

**PLAINTIFF'S NOTICE OF MOTION
FOR LIMITED EVIDENCE
DESTRUCTION AND TESTING –
REMOVAL AND PRESERVATION OF
THE BONE CEMENT**

TO: DEFENDANT ZIMMER, INC. AND THEIR ATTORNEYS, Albert J. Dahn, Dahn & Elvin, L.L.P., 9604 Coldwater Road, Suite 201, Fort Wayne, Indiana 46825; and Michael S. Elvin, Dahn & Elvin, L.L.P., 161 North Clark Street, Suite 1750, Chicago IL 60601.

PLEASE TAKE NOTICE that on Monday, May 9, 2005, at 10:30 a.m., or as soon as possible thereafter as counsel may be heard, before Magistrate Judge Franklin L. Noel in Courtroom 9W, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, Plaintiff Kathryn Leclerc will move the Court for an order granting limited destruction of evidence—namely, for removal and preservation of the cement that is still surrounding Plaintiff's Centralign stem.

Dated this 25th day of April, 2005.

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By s/ Daniel A. O'Fallon

Daniel A. O'Fallon (199291)

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, MN 55402-2015

ATTORNEY FOR PLAINTIFF